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PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q61269

Olivier WALTER, et al.

Appln. No.: 09/688,711

Group Art Unit: 2665

Confirmation No.: 1495

Examiner: Man U. PHAN

Filed: October 17, 2000

For: TELECOMMUNICATIONS EQUIPMENT

SUBMISSION OF APPEAL BRIEF

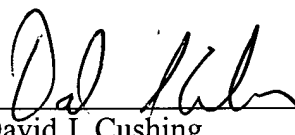
MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. A check for the statutory fee of \$500.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,


David J. Cushing
Registration No. 28703

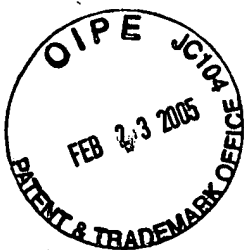
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23373

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Date: February 23, 2004



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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellants within a two (2) month period from the December 23, 2004 filing date of the Notice of Appeal, submit the following:

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I. REAL PARTY IN INTEREST

The real party in interest here is Alcatel, the assignee of the application.

II. RELATED APPEALS AND INTERFERENCES

To the best of their knowledge, Appellants are not aware of any other appeals or interferences involving the present application.

III. STATUS OF CLAIMS

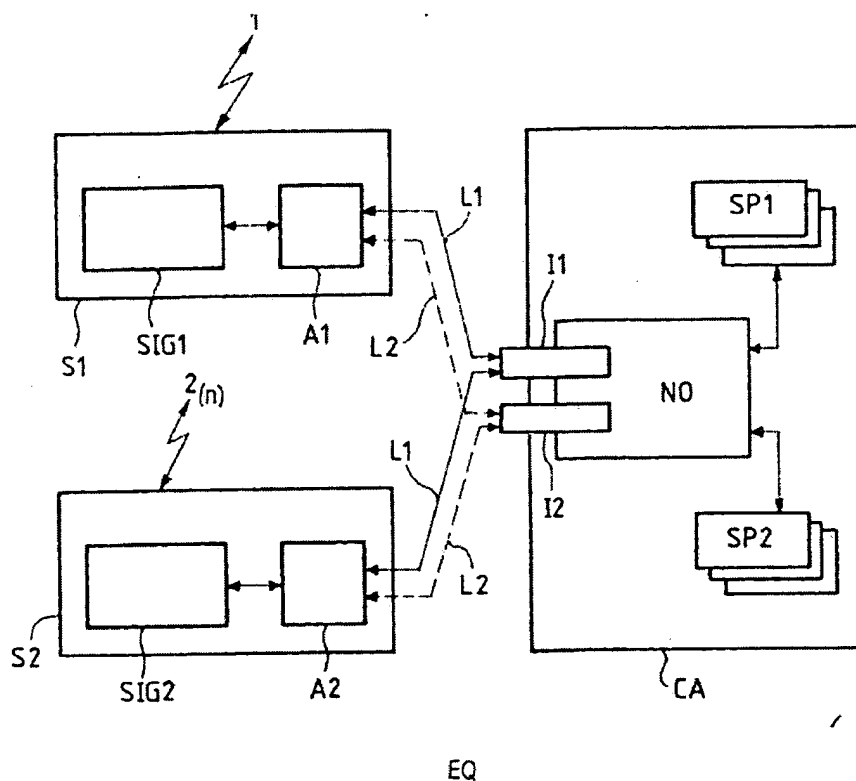
Claims 1 and 2 are all the claims pending in the application. All claims are rejected. All claims are appealed.

IV. STATUS OF AMENDMENTS

An Amendment under 37 CFR 1.116 was filed September 20, 2004, and was refused entry in the Advisory action mailed December 14, 2004.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention relates to telecommunications equipment, and in particular switching equipment. As shown in Fig. 1, subscriber equipment TE1 is connected to a switch SW1 of an operator O1, and subscriber equipment TE2 is connected to switch SW3 of an operator O2. The switches may use signaling standards which are not the same. To accommodate this, a switch may be constructed as shown in Fig. 2, with a control module CA and a plurality of signaling modules S1, S2 and S3 each conforming to a different one of the current standards. The present invention provides an improvement in the implementation of a multi-standard switch of the type generally shown in Fig. 2, which is easily modifiable to accommodate changes in existing standards or implementation of new standards.



FIG_3

As shown in Fig. 3, the telecommunications equipment EQ has signaling modules S1 and S2, each of which holds the signaling information of a corresponding standard 1, 2 in a respective logic unit SIG1, SIG2. (The invention is applicable to use in connection with more than two standards as well, but only two are used here for purposes of simplicity.) Each unit S1, S2 includes an adapter A1, A2 for converting requests conforming to the respective standards to a standard dialogue format. The requests in standard dialogue format are forwarded to a service unit CA. Perhaps 80% of all requests deal with features that are common to all standards. Such “generic” requests are handled by a core NO of the service unit CA. Fig. 3 schematically

illustrates links L1 via which the adapters A1 and A2 conduct a dialog with a high-level generic interface I1 for handling these “generic” requests. Requests that do not conform to a generic formulation are passed to a low-level interface I2 via links L2. Each of specific modules SP1 and SP2 of the service unit CA implements features specific to a respective standard outside the generic framework. The interface I2 applies predetermined rules (e.g., simply recognizing the standard to which the request conforms) to determine which of the specific modules SP1 and SP2 should process the request, and forwards the request to that module.

Claim 1 describes, with reference to Fig. 3, telecommunications equipment (EQ) having a service unit (CA) which includes a driver core (NO) and modules (SP1, SP2) connected to the core (NO) and adapted to process the specific requests (L2), wherein the core (NO) includes: receiving means (I1, I2) for receiving signaling messages corresponding to generic (L1) or specific (L2) requests, sending means (associated with the specific interface I2) for sending specific requests to the modules (SP1, SP2) in accordance with a predetermined rule, and processing means (within NO) for processing the generic requests. Claim 2 further recites that the receiving means (I1, I2) includes a high-level interface (I1) for receiving messages relating to generic requests, and a low-level interface (I2) for receiving messages relating to specific requests.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-2 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,108,341 to Christie in view of USP 6,560,327 to McConnell.

VII. ARGUMENT

1. Claims 1-2 Are Not Unpatentable Over Christie In View of McConnell

a. Christie Teaches None of the Limitations of Claim 1

Christie is directed to a method, system and apparatus for telecommunications control.

The Background discussion of Christie, particularly at lines 12-36 of column 2, describes a problem which is perhaps analogous to that addressed by the present invention, i.e., the need to reprogram switches with new call-processing logic in order to implement new functionality. The solution provided by Christie is to separate the call processing and switching functions, leaving the switches to perform the basic switching and transport functions irrespective of their ability to provide other functions, e.g., as describe at lines 21-32 of column 4.

Christie fails to teach or suggest a driver core which has a means for receiving messages relating to both specific and generic requests, identifies specific request messages by applying predetermined rules, and then processes the generic requests with the core driver processor while sending the specific requests to specific modules for processing. Christie does not mention distinguishing specific requests from generic requests at all.

The Examiner has asserted that Christie teaches some limitations of claim 1, referring to the communication control method described in the last paragraph of column 1 of Christie. According to that method, a first point requests a communications path to a second point by signaling a first switch with an off-hook signal followed by dual tone multifrequency signals. The first switch will process those signals and select a second switch. The first switch signals the second switch and establishes a connection between the switches (the Examiner has asserted

that this teaches sending the specific requests to modules for processing specific requests). The second switch then selects the next network element, signals that network element, and establishes a connection to that network element (the Examiner has asserted that this teaches processing the generic requests). Appellants respectfully disagree.

First, it is noted that claim 1 requires a service unit which includes a driver core and modules and receives both generic and specific requests and forwards the specific requests to appropriate specific modules while handling the generic requests by processing means within the core. The examiner has never pointed to anything in Christie which corresponds to these claimed elements. Even if the examiner is correct in his description of how Christie establishes a connection between two points by successive operation of switches, the claim does not read on that. To even attempt to read the claim on what is disclosed in Christie, the examiner would, e.g., have to find a single switch which includes a processing means for processing messages that are generic to multiple standards and specific modules for processing requests that are specific to respective standards. The examiner has not pointed to anything in Christie which corresponds to the specific modules that the claim requires be included in the service unit, because they simply do not exist anywhere in Christie.

The acknowledged prior art illustrated in Figs. 1 and 2 of the present application does a far better job of teaching relevant subject matter than Christie. Note that a switch SW2 in Fig. 2 will receive signals conforming to multiple different standards. It would in theory be possible to identify some subset of these signals that is common to all standards, and the rest of the signals being specific to less than all of the standards so that such signals are not generic. What is

missing in the acknowledged prior art is the combination of the specific modules for processing specific requests, a mechanism for separating out the specific requests and forwarding them to the specific modules for processing, and a service unit processor which processes the generic requests that are not separated out and sent to the specific modules.

Christie does not even begin to address the subject matter of the claimed invention that distinguishes it from the acknowledged prior art. Christie does state that connections can be described in a range from general to specific (Col. 4, line 66 to col. 5, line 5). But general and specific connections have nothing to do with generic and specific requests or the provision in a service unit of separate processing modules for processing requests that are not generic. In reading the claim language on Fig. 1 of Christie in his remarks at page 4 of the final Office action of June 25, 2004, the examiner describes the “specific request signal” as being delivered to the CCP 120, and then describes the CCP 120 processing of this same signal as corresponding to the processing of a generic request. An obvious flaw in this reasoning is that the signaling from the point 170 to the CCP 120 is a specific request when it leaves the point 170 but is somehow a generic request when it is received by the CCP 120. But even more importantly, whether it is a specific request, a generic request, or both, there is only the CCP 120 to process. There are no separate “specific modules” for processing requests that are not generic. See, for example, Fig. 4 which shows the CCP as including a single processor 480 for processing everything.

Thus, Christie teaches none of the limitations of claim 1.

b. McConnell does not Supply any Deficiency of Christie

McConnell is cited by the examiner for its teaching of a system wherein a first service control point (SCP) 102 (see Fig. 5), located in a first telecommunications network, has a plurality of service logic modules 204-210. When the SCP receives a message from a service switching point (SSP) requesting a particular service, the SCP consults the customer service profile database and determines which of the service logic modules should be executed to provide the requested service. But the examiner has not pointed to anything in the SCP 102 which corresponds to a processing means for processing generic requests and specific modules for processing specific requests that are separated out of the received request messages and sent to the specific modules. There is no differentiation in McConnell between generic and specific requests.

c. The Examiner's 103(a) Rejection is Improper

Christie deals with the establishment of connections between two or more points, and does this with an architecture that includes a single CCP for processing all signals. McConnell deals with the problem of how to provide intelligent network services using a combination of mediated and non-mediated service logic modules. The two references are directed to entirely different aspects of telecommunications, and there would have been no motivation to combine their teachings absent hindsight after reviewing the present application.

Further, if the ordinarily skilled artisan were to combine their teachings, the result might be a system which established connections in the manner taught by Christie and provided services in the manner taught by McConnell, but this would not meet the requirements of the

appealed claims. Neither of these references teaches a service unit that includes a processing means for processing generic requests, a plurality of modules for processing specific requests, and an interface that receives generic and specific requests and forwards the specific requests to appropriate modules in accordance with predetermined rule

The present application defines a generic request as being common to various standards (see, e.g., lines 7-9 of page 3 and lines 26-27 of page 5). Specific requests are defined as requests that are specific to different standards and which do not conform to a generic formulation (see, e.g., line 10 of page 3 and lines 99-12 and 28-31 of page 5). The problem of dealing with different standards is not even mentioned anywhere in the art cited by the examiner. McConnell teaches the use of different service logic modules for providing different requested services, but this does not teach the concept of providing a generic processor for processing all generic requests and providing specific modules for processing requests that are not generic. The cited art is only relevant based on a strained argument for relevance that can only be motivated by hindsight. Thus, Appellants submit that claims 1-2 are patentable.

4. Conclusion

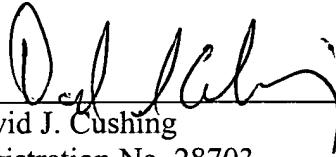
Pursuant to the foregoing arguments, Appellants submit that claims 1 and 2 are patentable. Accordingly, Appellants respectfully request that the Examiner's rejection be reversed, and the present application allowed at the earliest possible opportunity.

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

Appeal Brief
USSN 09/688,711

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CLAIMS APPENDIX

CLAIMS 1 and 2 ON APPEAL:

1. Telecommunications equipment including a service unit for communicating with one or more signaling networks, wherein said service unit includes a driver core, and modules connected to said core and processing specific requests, and wherein said core includes:

receiving means for receiving signaling messages corresponding to generic or specific requests;

sending means for sending specific requests to said modules in accordance with a predetermined rule; and

processing means for processing said generic requests.

2. Equipment according to claim 1, wherein said receiving means include:

a high-level interface for receiving signaling messages corresponding to generic requests from one or more signaling networks; and

a low-level interface for receiving signaling messages corresponding to specific requests from one or more signaling networks.